

Hallauer, Lori

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**From:** Jim Ford [jf@mtenvironmentaltrust.org]  
**Sent:** Tuesday, May 28, 2013 2:28 PM  
**To:** Burns, Betsy; Denise Kirkpatrick (MDEQ); Breeden, Randy; Figur, Charles  
**Cc:** Cindy Brooks (METG); Marc Weinreich (METG); Garrett Thompson (METG); Rob Collins (MDOJ)  
**Subject:** East Helena - April 2013 RCRA Monthly Progress Report  
**Attachments:** East Helena - April 2013 RCRA Monthly Progress Report.pdf

At the request of EPA attached is the **April 2013 RCRA Monthly Progress Report** for the former Asarco site in East Helena, Montana. A hard copy of the report has been sent via Certified Mail to those addressed and copied in the report.

Please feel free to contact me with any questions.

Sincerely,

Jim

**Jim Ford**  
**East Helena Remedial Project Manager**  
*Montana Environmental Trust Group, LLC (METG)*  
*Trustee of the Montana Environmental Custodial Trust*  
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Montana Environmental Trust Group, LLC  
Trustee of the Montana Environmental Custodial Trust  
PO Box 1230, East Helena, Montana 59635  
Telephone: (406) 227-1242

May 28, 2013

Betsy Burns  
RCRA Project Officer  
EPA Region VIII  
Montana Office  
10 West 15th St., Suite 3200  
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During April 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of April 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
April 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
<b>I. RCRA Corrective Action</b>			
<b>A. Investigations, Studies, Analyses and Data Collection</b>			
1.	Phase II RFI	During Period	The CT is in the process of finalizing a list of items that need to be completed in order for US EPA to provide a conditional approval of the Phase II RFI Report.
2.	FSAP	During Period	The 2013 FSAP is being implemented.
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.
4.	Upper Lake Aquifer Test	During Period	Monitoring of groundwater elevations and water quality impacts from the Upper Lake Test continued during the reporting period.
5.	GW Model	During Period	Work scope development for 2013; Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM.
6.	Database Management	During Period	Ongoing database management activities occurred during the reporting period.
<b>B. Interim Measures</b>			
1.	SPHC IMs	During Period	<b>PPC Realignment:</b> <ul style="list-style-type: none"> <li>• Sediment analysis to be completed and provided to COEH. CH design criteria adjustments under consideration</li> <li>• Coordinated adjudication reviews of Design Criteria and Hydrology TMs. Conducted adjudication reviews of the Channel Stability and Hydraulics TMs.</li> <li>• Participated in group debrief of 30% review meeting with Beneficiaries, supported development of list of technical issues that need to be carried forward for resolution.</li> <li>• GW coordination calls w/NewFields on GW modeling relative to PPC Realignment design.</li> </ul>
		During Period	<b>Phase 1 Demo Construction:</b> <ul style="list-style-type: none"> <li>• Review and approve submittal of the Smelter Dam Bridge deck.</li> <li>• Receive and review Envirocon Schedule of Values and April 2013 invoice.</li> <li>• Prepare and submit to Custodial Trust March invoice and MSR</li> <li>• Mobilization of Envirocon personnel and equipment on April 1</li> <li>• Site orientation and training on April 3</li> <li>• Complete BMP implementation</li> <li>• Demolition of Barnum &amp; Bailey structures</li> <li>• Waste characterization and segregation</li> <li>• Begin removal of interior bins of OSHB</li> <li>• Remove fluids from overhead cranes</li> </ul>

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
April 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
			<ul style="list-style-type: none"> <li>• Cut up misc scrap metal staged onsite</li> <li>• Begin removing rail line outside of fence and segregating materials</li> <li>• Ship one load of scrap to Pacific Steel in Helena</li> <li>• Remove smelter dam bridge deck and start preparation for new bridge deck.</li> <li>• Mobilize crane and materials for smelter dam bridge replacement</li> </ul>
		During Period	Phase 2 Demo: <ul style="list-style-type: none"> <li>• Hold RFP presentation and bid walk on April 24</li> <li>• Begin responding to questions on RFP materials</li> <li>• Begin preparation of Amendment 1 for the CAMU 2 RPE liner and grading</li> </ul>
		During Period	Utility Relocation Construction: <ul style="list-style-type: none"> <li>• Custodial Trust coordinating with Northwestern Energy and Century Link.</li> </ul>
		During Period	COEH Waterline Construction: <ul style="list-style-type: none"> <li>• Subcontract award to Helena Sand and Gravel (HSG)</li> <li>• Hold project kick off meeting with HSG</li> <li>• Obtain submittals from HSG and review</li> <li>• Operational readiness review Meeting held on April 25</li> <li>• Mobilization of HSG personnel and equipment on April 25</li> <li>• Site orientation and training on April 30</li> <li>• Complete BMP implementation</li> <li>• Materials delivered to site and staging area set up</li> </ul>
		During Period	Corrective Measures Study <ul style="list-style-type: none"> <li>• Planning activities on updating the Corrective Measures Study (CMS) Work Plan.</li> <li>• Initiated updating the Sitewide Conceptual Site Model (CSM) write-up.</li> </ul>
		4/03/13	The CT requested easement legal descriptions for Century Link and NW Energy utility locations from CH2MHill. The CT provided a map of the Administrative Boundary to Century Link. The CT, DJ&A, Century Link and NW Energy met to discuss legal descriptions
		4/04/13	Chip Foster completed tilling fields in the East Bench for Migratory Bird Treaty Act mitigation.
		4/11/13	The MT Department of Revenue contacted the CT for a tour of the demolition area and new office building for tax assessment.
		4/19/13	CT personnel met with Pioneer to discuss PPC Temporary Bypass project construction management.
		4/24/13	The CT, Hydrometrics, and CH2MHill performed a job walk for contractors interested in the Phase 2 Demolition contract.
2.	ET Cover System IMs	During Period	ET Cover: <ul style="list-style-type: none"> <li>• Cost comparison draft complete and in review</li> <li>• Test plot design ongoing for equipment – ~May 9 completion for 90% design review</li> <li>• Site wide grading design has started.</li> </ul>

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
April 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
			<ul style="list-style-type: none"> <li>• HYDRUS modeling complete and internal tech memo in preparation</li> <li>• Test plot design dwgs internal review May 9</li> <li>• Conceptual grading plans underway for Stormwater estimates</li> <li>• Coordination with MRL for interface for slag load-out spur.</li> </ul>
3.	Source Removal IMs	During Period	<p>Source Removal IM</p> <p>For the Tito Park grading evaluation,</p> <ul style="list-style-type: none"> <li>• CSMs and Tito Park grading evaluation. Presented technical evaluations at a 4/17 meeting with the Beneficiaries.</li> <li>• CSMs and Tito Park grading evaluation. Prepared list of follow-up actions and initiating work on additional evaluations.</li> <li>• Corrective Measures Study (CMS) elements. Started work on setting cleanup goals and criteria, and soil removal evaluations.</li> <li>• Initiated preparation of Soil Removal approach guidance, incorporating Beneficiary input received in 4/17 technical briefings.</li> </ul>
		During Period	<ul style="list-style-type: none"> <li>• Start planning for 2014 IMWP once 2014 SOW is defined</li> </ul>
4.	IM Work Plans	During Period	<p>GW Flow/Transport Modeling</p> <ul style="list-style-type: none"> <li>• Reviewed calibration results of NewFields' updated flow model. Attended conference call with the groundwater modeling technical working group.</li> <li>• Coordinated with NewFields on predictive simulations to support SPHC IM (PPC Bypass and Realignment in place) and sitewide CSM (particle tracking analysis).</li> </ul>
5.	RCRA Team Support	During Period	<p>Conceptual Site Models:</p> <ul style="list-style-type: none"> <li>• Continued MVS modeling and sitewide CSM activities: preparation of color-coded maps of metals impact; MVS mass calculations; preparation of 3D CSM block diagram; and reviewed and incorporated new analytical results for the LOSA and slag pile leachability data.</li> <li>• Revised preliminary draft of Tito Park CSM deliverable based on senior review comments.</li> <li>• Prepared draft PPT slides to present MVS results and sitewide CSM evaluations, in preparation for April meetings with the Trust, EPA, and other Beneficiaries.</li> <li>• Presented technical updates on MVS model, GW modeling, Tito Park Grading Options to Beneficiaries on 4/17.</li> </ul>
		During Period	<ul style="list-style-type: none"> <li>• Conducted weekly project review meeting with MECT</li> </ul>
6.	General (Programmatic) IMs	During Period	<ul style="list-style-type: none"> <li>• Communicated plans for distribution line relocation with NW Energy. Received revised NW Energy proposal for completing engineering and construction of the relocated distribution line</li> <li>• Prepared easement legal descriptions for utilities per request of Trust.</li> </ul>
7.	Project Management	4/08/13	CT personnel met with Pioneer Technical Services to discuss construction management activities for the East Bench.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
April 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.
C.	CMS		
<b>II. Beneficiary/Stakeholder Communications</b>			
A.	Beneficiary Communications	4/10/13	Met with USEPA on Soil Removal Evaluations
		4/15/13	Met with USEPA on PPC Realignment 30% design
		4/19/13	Met with Beneficiaries on PPC Realignment 30% design
		4/20/13	Met with Beneficiaries on Soil Removal Evaluations
B.	Stakeholder Communications	During Period	No significant Stakeholder Communication activities occurred during the reporting period.
<b>III Site Management &amp; Operations</b>			
A.	Site-Wide Health & Safety/Regulatory Compliance	4/03/13	EnviroCon received safety orientation to begin Phase 1 Demolition.
		4/18/13	CT personnel collected CAMU #2 leachate samples for Hydrometrics to analyze for hydrocarbons.
		4/25/13	The CT toured the plant site and identified all confined spaces and updated the list for the Confined Spaces Program.
		4/25/13	MDEQ performed an ACM inspection of the Manager's out buildings. Jon Benoit verbally indicated "everything looks to be in order".
		During Period	EH personnel escorted Kirk Akin around the plant site to abate any signs of migratory bird nesting activity in coordination with the Migratory Bird Treaty Act (MBTA). They also performed maintenance in line with MBTA, including mowing the tall grass by the Bypass Channel. A raven's nest was removed from the OSHB and bird relocated to other locations outside of Phase 2 Demo area.
		During Period	<ul style="list-style-type: none"> <li>EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs.</li> <li>EH personnel removed debris from Smelter Dam and the diversion structure.</li> </ul>
B.	Site Security	During Period	No significant site security activities occurred during this reporting period.
C.	Plant Operations	4/02/13	EH personnel rinsed the HERO feed tank, filled it with City water for the HDS water and added bleach to disinfect.
		4/04/13	EH personnel installed a booster pump and pressure tank in the Car Wash Thickener building.
		4/09-11/13	EH personnel pumped CAMU #1.
		4/10/13	EH personnel relocated soil samples from the Warehouse building to the wooden storage sheds located by the Acid Tanks.
		4/11/13	EH personnel pumped oil from the warehouse oil shed (10 gallons of EP5, 5 gallons of AW 68, and 10 gallons of Hydraulic tractor oil).
		4/15-18/13	EH personnel pumped CAMU #2.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
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#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
		4/18/13	EH personnel relocated materials to the storage sheds near the Acid Tanks, including skid mounted filters from the Sewer Building and HERO spare parts from the Lake Shore Shed. They also relocated items to the HDS conex container, including Universal Waste containers from the Lake Shore shed and put the air compressor in the Carwash mechanical room.
		4/18/13	EH personnel helped Eagle Electric disconnect power to the site buildings and install power to the HDS booster pump.
		During Period	EH personnel salvaged items from inside Phase 2 Demo area, including ladders, blacksmith tools, spill containment beads, as well as many other items. Saved items were relocated to either the wooden storage sheds by the Acid Tanks or the WTP.
		During Period	EH personnel collected loose wire, aluminum light fixtures and all other unused metal materials and placed in a roll-off container for recycling. Pacific Steel and Recycling picked up roll-off on 4-22-13.
D.	Stormwater Management	4/01/13	EH personnel pumped Thornack Tank and the secondary containment system.
		4/02/13	The CT received a response letter from the MDEQ requesting more information about chemicals and modifications to utilized for turbidity testing.
		4/19/13	The CT received a response letter from MDEQ on the CT's response letter to MPDES violations.
		4/26/13	CT personnel contacted Pete Boettcher with DEQ and discussed DMR load calculations.
E.	Documents & Records	4/11/13	EH personnel escorted Hydrometrics to the HDS plant to show location of MPDES permit records still in building. Hydrometrics then performed a review of all the records available.
F.	Water Rights	4/12/13	Hydrometrics completed installing an irrigation water pump setup for Burnham's irrigation water.
G.	Other Property Management	4/08/13	Air Liquide removed the last section of building roof from CT property.
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.
<b>IV Property Use/Development</b>			
A.	Agricultural Leases	4/11/13	CT personnel met with Fence Crafters for a quote for installing a fence on the CT-Kleffner property boundary.
		4/11/13	CT personnel met with Prickly Pear Simmental Ranch to discuss grazing and weed spraying activities on the CT property.
		4/12/13	Steve Lindberg provided a final report and left over samples from Dartman Field sampling.
		4/16/13	The CT approved Fence Crafters to proceed with installation of the fence on the Kleffner property boundary.
		During Period	DJ&A completed a boundary survey near the Kleffner property boundary.
B.	Community Land Uses	4/11/13	The CT submitted the NESHAPPS permit for the Manager House outbuilding burning.
		4/15/13	EH Fire Department assistant Fire Chief Troy Mahness toured the Manager's house outbuildings to note configuration for development of training exercises.
		4/18/13	CT personnel sent the ACM documentation for the Manager's outbuildings to the EHFD in preparation of the training exercises at the outbuildings.



**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
April 2013**

#	Topics & Subtasks	Date(s)	Major Activities <sup>1</sup>
		4/22/13	The EH Rodeo Association picked up the executed User Agreement. Mike Buckley will provide insurance certificates.
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.
D.	Slag Re-Processing	4/5/13	Ashgrove started hauling slag off site.
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.
<b>V. CT Operations &amp; Financial Affairs</b>			
A.	Personnel & Office Operations	4/2/13	EH personnel delivered the dedicated site truck to J4 Automotive for scheduled maintenance, including clutch replacement.
		4/15/13	Payne West insurance inspector Dan Clark toured the Modular office building and the HDS WTP for insurance qualification purposes.
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems.
<b>VI. Upcoming Activities</b>			
		5/30/13	EHECTIC Meeting on 30% Design of realigned PPC
		5/31/13	PPC Realignment – Joint Application 2 Pre-App Meeting

<sup>1</sup> See Attachment I for a list of acronyms used in the weekly progress reports.

**Section 3. Describe and estimate the percentage of studies completed.**

No projects or studies were completed in April 2013.

**Section 4. Describe Actions being taken to address problems.**

There were no actions required to address problems associated with the Decree.

**Section 5. Identify changes in key personnel during the period.**

None during the reporting period.

**Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.**

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust

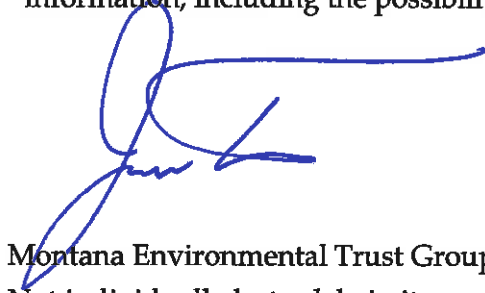
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ  
Randy Breeden - EPA 8  
Chuck Figur - EPA 8

CERTIFICATION  
PURSUANT TO U.S. v ASARCO INCORPORATED  
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust

By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

**Attachment I**  
**Montana Environmental Custodial Trust Monthly Progress Report**  
**East Helena (EH) Site Acronyms**

<b>Acronyms</b>	
AL	Air Liquide
BOH	Board of Health (Lewis & Clark County)
CD	Consent Decree
Chemet	American Chemet
CLOMR	Conditional Letter of Map Revision
CMS	Corrective Measures Study
CT	Custodial Trust
DMRs	Discharge Monitoring Reports
EAP	Emergency Action Plan
EH	East Helena
EPA	US Environmental Protection Agency
ET	Evapo-Transpiration
FEMA	Federal Emergency Management Agency
GW	Groundwater
HASP	Health & Safety Plan
HEC-RAS	Hydrologic Engineering Centers River Analysis System
IM	Interim Measure
LL	Lower Lake
MBMG	Montana Bureau of Mines & Geology
MDEQ	Montana Department of Environmental Quality
MDOJ	Montana Department of Justice
MDT	Montana Department of Transportation
P&S	Purchase & Sale
PPC	Prickly Pear Creek
SPHC	South Plant Hydraulic Control
UL	Upper Lake
USDOJ	US Department of Justice
USFWS	US Fish & Wildlife Service
WP	Work Plan
WQPD	Water Quality Protection District (Lewis & Clark County)